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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/813,459

03/30/2004

Andre Heilper

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03/01/2006

Stephen C. Kaufman
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EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/813,459 | HEILPER ET AL. | |
| | Examiner | Art Unit | |
| | EDWYN LABAZE | 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13,22 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13,22 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 12/8/2005.
2. Claims 11-13, 22, and 25-29 {new claims 27-29} are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-13, 22, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogihara et al. (U.S. 6,880,753) in view of Snow et al. (US 2001/0047340).

Re claims 11, 22, and 29: Ogihara et al. {hereinafter referred as "Ogihara"} discloses distribution management method and system, which includes means of reading {through a tag reader 101} a label {herein tag 170; see fig.# 1B} attached to a manufactured item, the label incorporating a manufacturer-controlled identification number {herein Ogihara teaches a tag issuer 150 to write a portion of the data field and a manufacturer 100 to write the other portion of the field} (col.4, lines 38+); querying a third party authority {herein a management device 102} to verify that the item is a genuine product of its indicated manufacturer (see flowchart of figs. # 5 & 6; cols.7 & 8, lines 1-67). Ogihara further teaches a timestamp field for the attachment date and time, a product number model field for the model number of the product that has been associated with the tag, and wherein similar records are generated for other products (col.4, lines 55+), an authentication evaluation result 623 (col.6, lines 1+). Ogihara further teaches

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maintaining a database cataloguing {see figs. # 3-4} manufacturing items identified by manufacturer-controlled identification numbers {such as M121, IC tag ID 1000001} (col.6, lines 60+; col.7, lines 1+) and commercial entities between which the items are transferred from manufacture until point of sale (col.3, lines 64+).

Ogihara fails to teach means of generating a certificate of authenticity to provide to a purchaser of the item if the querying yields an affirmative result.

Snow et al. discloses authenticity verification method and apparatus, which includes a printer for printing a certificate 62 (see figs. # 6A-B; 7A-B; paragraphs 0091+).

In view of the teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Ogihara means of printing or issuing a certificate of authenticity after verifying the legitimacy/genuineness of the product. Furthermore, such modification {through a printer in communications with the general-purpose computer 102 and modified subroutine/logic of the operating software controlling said computer 102} would provide to the new owner a proof {such as a certificate of authenticity, title/deeds of the purchased item/product} that the purchased item is worth the price, valuable and authentic. Moreover, such modification would have been an obvious extension as taught by Ogihara, therefore an obvious expedient.

Re claims 12: Ogihara teaches system and method, wherein reading comprises scanning the label with a bar code reader {herein Ogihara teaches that the tag 170 is a no-electronic device, i.e. a bar code} (col.1, lines 50+; col.3, lines 60+).

Re claims 13, 25: Ogihara discloses system and method, wherein the identification number is encoded in the label, and wherein the encoded number is one of the following code

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types one-dimensional bar-code, two-dimensional bar-code, RFID tag, and a magnetic tag {herein Ogihara teaches that the tag 170 includes an antenna 64 for transmitting the data stored in the memory device to an external reader} (col.4, lines 15+).

Re claim 26: Ogihara teaches system and method, wherein a database 103/132 maintained by the third party authority stores identifies of commercial entities between whom the items are transferred from manufacture until point of sale (col.3, lines 64+; col.4, lines 55+; col.5, lines 5+).

Re claim 27: Ogihara discloses system and method, wherein the querying occurs when the purchaser is purchasing the item at a store {herein the store is defined as a retailer 120 (col.6, lines 30-67; col.9, lines 1-50)}.

Re claim 28: Ogihara teaches system and method, wherein the result is affirmative when the store 120 is recorded in the database as having authorizing possession of the item (col.6, lines 20+).

Response to Arguments

5. Applicant's arguments with respect to claims 11-13, 22, and 25-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Doljack (U.S. 6,442,276) discloses verification of authenticity of goods by use of random numbers.

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Begelfer et al. (U.S. 6,547,137) teaches system for distribution and control of merchandise.

Hudson et al. (US 2003/0141358) discloses product verification and authentication system and method.

Chester (US 2004/0054888) teaches method and system of authentication and ownership verification of collectables.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
February 10, 2006



**THIEN M. LE
PRIMARY EXAMINER**